J. STEPHEN STREET
Attorney at Law

Phone: (808) 754-1647
134 Maono Place
Fax: (888) 334-6499
Honolulu, Hawaii 96821
Email: jsstreet@ip-law-hawaii.com

September 24, 2014

The Honorable J. Michael Seabright
United States District Court – District of Hawaii
300 Ala Moana Blvd
Honolulu, Hawaii 96850

Attn: Judge Seabright's Chambers

Via E-mail: seabright_orders@hid.uscourts.gov

Re: The Court's Electronic Order filed as Document #24 on September 23, 2014;
***Tylor et al. v. Marriott International, Inc. et al.*; CV14-00069 JMS-RLP**

Dear Judge Seabright,

In response to the Court's electronic order filed as Document #24, this letter is to respectfully request that plaintiffs' First Motion for Leave to Amend Complaint and Add Parties, Document #19, be determined prior to setting a hearing for Defendant Marriott International, Inc.'s ("Marriott") Motion for Partial Summary Judgment, Document #22, based on the following reasons.

1. The parties, by agreement, have deferred the exchange of initial disclosures and from conducting any discovery in an effort to settle this matter. As a consequence, Marriott's motion is premature, and plaintiffs will necessarily be required to respond to that motion by requesting that the Court defer consideration of it to permit plaintiffs to conduct appropriate discovery in accordance with Rule 56(d) of the Federal Rules of Civil Procedure.

2. Marriott's motion involves significant public policy considerations for the Court, as Marriott, by its motion, attempts to expand the application of the Ninth Circuit's opinion *Perfect 10, Inc. v. Amazon.com, Inc.*, 508 F.3d 1146 (9th Cir. 2007). Consideration of the issues presented in Marriott's motion should, it is respectfully submitted, be based upon a full record that plaintiffs can only present after conducting appropriate discovery.

It is respectfully submitted that plaintiffs' motion seeking leave to amend their complaint, Document #19, should be determined first and that the hearing on Marriott's motion be set far enough in advance to allow the necessary discovery to fully inform the Court before it is called upon to decide this issue. The decision on plaintiffs' motion will allow plaintiffs to determine the relevant scope of discovery in this action, and to work to obtain that discovery, which is necessary to adequately address the public policy implications and legal argument presented in Marriott's motion.

Very truly yours,

J. STEPHEN STREET
Attorney at Law